CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD REGION 9, SAN DIEGO REGION

WASTE DISCHARGE REQUIREMENTS ORDER NO. R9-2005-0007 NPDES PERMIT NO. CA0107450

The Discharger shall comply with Waste Discharger Requirements established by Order No. R9-2005-0007 as set forth below:

Discharger Culligan Water Conditioning of La Jolla, Inc.	
Name of Facility Culligan Water Conditioning of La Jolla, Inc.	
	970 Turquoise Street
Facility Address	San Diego, CA 92109
	San Diego County

The discharge of wastewater from the following discharge points shall comply with the Waste Discharge Requirements established in Order No. R9-2005-0007:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Resin regeneration brine and backwash wastewater	32° 47' 43" N	117 17' 20" W	Pacific Ocean

This Order was adopted by the Regional Board on: February 9, 2005	
This Order shall become effective on: February 19, 2005	
This Order shall expire on: February 9, 2010	
The U.S. Environmental Protection Agency (U.S. EPA) and this Regional Board have classified	
this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California	
Code of Regulations, not later than 180 days in advance of the Order expiration as	

IT IS HEREBY ORDERED, that Order No. 2000-15 is superseded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, and the provisions of the federal CWA, and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements herein.

application for issuance of new waste discharge requirements.

I, John H. Robertus, Executive Officer, do hereby certify the following is a full, true, and correct
copy of an Order adopted by the California Regional Water Quality Control Board, San Diego
Region, on February 9, 2005.

	Tentative	
Jo	hn H. Robert	tus, Executive Office

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD REGION 9, SAN DIEGO REGION

WASTE DISCHARGE REQUIREMENTS

ORDER NO. R9-2005-0007 NPDES PERMIT NO. CA0107450

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Name of Facility	Culligan Water Conditioning of La Jolla, Inc.	
Facility Address	970 Turquoise Street	
	San Diego, CA 92109	
Facility Contact and	Grant Boroff, (858) 488-8373	
Phone		
Mailing Address	970 Turquoise Street, San Diego, CA 92109	
Type of Facility	Industrial, SIC # 5149	

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD REGION 9, SAN DIEGO REGION

WASTE DISCHARGE REQUIREMENTS

ORDER NO. R9-2005-0007 NPDES PERMIT NO. CA0107450

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I. FACILITY AND ORDER INFORMATION

The Discharger shall comply with Waste Discharger Requirements established by Order No. R9-2005-0007 as set forth below:

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The discharge of wastewater from the following discharge points shall comply with the Waste Discharge Requirements established in Order No. R9-2005-0007:

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Resin Brine and Backwash	32° 47' 43" N	117° 17' 20" W	Pacific Ocean

This Order was adopted by the Regional Board on:	February 9, 2005
This Order shall become effective on:	February 19, 2005
This Order shall expire on: February 9, 2010	
The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Board have classified this discharge as a minor discharge.	
The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge	

II. FINDINGS

requirements.

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds:

A. **Facility Description.** The Discharger owns and operates a potable water softening vessel regeneration facility located at 970 Turquoise Street, San Diego, California. The Discharger softens municipal water through an ion exchange (sodium based cations) resin process. The Discharger discharges up to 3,000 gallons per day (gpd) of wastewater pursuant to requirements established in Order No. 2000-0015. The wastewater discharge contains resin regeneration brine and filter backwash water and is discharged to the Pacific Ocean via a municipal storm drain system.

- B. **Treatment.** The treatment provided to the wastewater consists of a solids sump and screen. Wastewater is discharged from Discharge Point 001 (see table on cover page) to an underground storm drain system. The process water from the facility flows approximately 2,640 feet in the storm drain prior to discharging into the Pacific Ocean, a water of the United States. Prior to discharge into the Pacific Ocean, other storm water and non-storm water discharges may commingle with the discharge. Attachment B is a facility diagram. Attachment C is a wastewater flow schematic of the facility. Attachments B and C are hereby incorporated into this Order.
- C. **Background.** Culligan Water Conditioning of La Jolla, Inc. submitted a Report of Waste Discharge, dated August 12, 2004 and applied for a National Pollutant Discharge Elimination System (NPDES) permit renewal to discharge up to 3,000 gallons per day (gpd) of wastewater five days per week for approximately three hours per discharge.
- D. **Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). This Order shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order establishes Waste Discharge Requirements pursuant to Article 4, Chapter 4 of the CWC.
- E. California Environmental Quality Act (CEQA). This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.
- F. **Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR § 122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on Table A Effluent Limitations established in the Ocean Plan for POTWs and industrial discharges for which Effluent Limitations Guidelines have not been established pursuant to Sections 301, 302, 304, or 306 of the Federal Clean Water Act. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).
- G. Water Quality-based Effluent Limitations. Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR § 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter.

The State adopted a Water Quality Control Plan for the Ocean Waters of California [hereinafter Ocean Plan). Section II.D. of the Ocean Plan establishes numeric water quality objectives for the protection of marine aquatic life and human health. A detailed discussion of implementation of Ocean Plan water quality objectives is included in the Fact Sheet (Attachment F).

Tentative ORDER NO. R9-2005-0007 NPDES NO. CA0107450 H. Water Quality Control Plans. On September 8, 1994 the Regional Board adopted a revised Water Quality Control Plan for the San Diego Basin (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to Pacific Ocean are as follows:

Outfall Number	Receiving Water Name	Beneficial Use(s)
001	Pacific Ocean	Existing:
		Industrial service supply (IND); navigation (NAV); contact water recreation (REC-1); non-contact water recreation (REC-2); commercial and sport fishing (COMM); preservation of biological habitats of special significance (BIOL); wildlife habitat (WILD); rare, threatened, or endangered species (RARE); marine habitat (MAR); aquaculture (AQUA); migration of aquatic organisms (MIRG); spawning, reproduction, and/or early development (SPWN); shellfish harvesting (SHELL)
		Intermittent:
		None.
		Potential:
		None.

Chapter 3, Water Quality Objectives, on p. 3-4 of the Basin Plan specifically states that the Ocean Plan is incorporated into the Basin Plan for protection of the beneficial uses of the State ocean waters.

The Ocean Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Beneficial uses applicable to the Pacific Ocean are as follows:

Outfall Number	Receiving Water Name	Beneficial Use(s)
001	Pacific Ocean	Existing: Industrial water supply; water contact and non-contact recreation, including aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting Intermittent: None. Potential: None.

The State Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan)

on May 18, 1972, and amended this plan on September 18, 1975. This Plan contains temperature objectives for inland surface waters.

- I. Anti-Degradation Policy. Section 131.12 of 40 CFR requires that State water quality standards include an anti-degradation policy consistent with the federal policy. The State Board established California's anti-degradation policy in State Board Resolution 68-16, which incorporates the requirements of the federal anti-degradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in the Fact Sheet, Attachment F, the permitted discharge is consistent with the anti-degradation provision of 40 CFR § 131.12 and State Board Resolution 68-16.
- J. Anti-Backsliding Requirements. Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.
- K. **Monitoring and Reporting.** Section 122.48 of 40 CFR requires all NPDES permits to specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E and is hereby incorporated into this Order.
- L. **Rationale for Requirements.** The Regional Board developed the requirements in this Order based on information submitted as part of the application, and through evaluation of the data submitted pursuant to the dischargers monitoring and reporting program. A detailed rationale for the requirements contained in this Order is provided in the attached Fact Sheet (Attachment F), which is hereby incorporated into this Order and, thus, constitutes part of the Findings for this Order. The Fact Sheet contains detailed background information on the facility, discharge characteristics, receiving waters and beneficial uses of receiving waters, and the legal and technical bases for the Order requirements, including effluent limitations, discharge specifications, and monitoring and reporting requirements. Standard Provisions, which apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D, which is hereby incorporated into this Order.
- M. **Notification of Interested Parties.** The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

N. **Consideration of Public Comment.** The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

III. DISCHARGE PROHIBITIONS

- A. Discharges of wastes in a manner or to a location which have not been specifically authorized by this Order and for which valid waste discharge requirements are not in force, are prohibited.
- B. The discharge of any radiological, chemical, or biological warfare agent, or high level radiological waste, to the ocean is prohibited.
- C. The dumping or deposition from shore or from vessels, of oil, garbage, trash or other solid municipal, industrial, or agricultural waste, directly into waters subject to tidal action or adjacent to waters subject to tidal action in any manner which may permit it to be washed into waters subject to tidal action, is prohibited.
- D. Pipeline discharge of sludge to the ocean is prohibited by federal law; the discharge of municipal and industrial waste sludge directly to the ocean, or into a waste stream that discharges to the ocean, is prohibited.
- E. The discharge of polychlorinated biphenyl compounds, such as those used for transformer fluid, is prohibited.
- F. Waste shall not be discharged to areas designed as being of special biological significance. The discharge shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas.
- G. Compliance with Discharge Prohibitions, as stated in *Chapter III.H* of the 2001 Ocean Plan is required as a condition of this Order.
- H. Compliance with Discharge Prohibitions contained in *Chapter 4* of the 1994 Basin Plan is required as a condition of this Order.
- I. The bypassing of untreated wastes containing pollutants in concentrations in excess of those concentrations specified in the Ocean Plan Table A or Table B, or the effluent limitations of this Order, to the ocean is prohibited.

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Point 001

1. Final Effluent Limitations

a. The discharge of resin regeneration brine and backwash wastewaters shall maintain compliance with the following limitations at Discharge Point 001:

Constituent	Units	Effluent Limitations					
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum	Six-Month Median
Total Suspended Solids	mg/L	20			-	30	
	lbs/day ¹	0.51				0.75	
pН	standard units				6.0	9.0	
Oil and Grease	mg/L	25	40			75	
	lbs/day ¹	0.63	1			1.88	
Settleable Solids	ml/L	1.0	1.5			3.0	
Turbidity	NTU	75	100			225	
Chlorine Residual, Total	μg/L			8		60	2
				0.0002		0.0015	0.00005
Chronic Toxicity	TUc			1.0			

Mass-based effluent limitations have been calculated based on a maximum flow value of 3,000 gpd.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following in the Pacific Ocean:

1. Bacterial Characteristics

a. Water-Contact Standards

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water-contact sports, as determined by the Regional Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

i. Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml (10 per ml); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml (10 per ml), and provided further that no single sample when

verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml (100 per ml).

ii. The fecal coliform density based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 per 100 nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.

The "Initial Dilution Zone" of wastewater outfalls shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial standards. Kelp beds, for the purposes of the bacterial standards or this Order, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

b. Shellfish Harvesting Standards

At all areas where shellfish may be harvested for human consumption, as determined by the Regional Board, the median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 ml.

2. Bacterial Assessment and Remedial Action Requirements

The requirements listed below shall be used to 1) determine the occurrence and extent of any impairment of a beneficial use due to bacteria contamination; 2) generate information which can be used in the development of an enterococcus standard; and 3) provide the basis for remedial actions necessary to minimize or eliminate any impairment of a beneficial use.

Measurement of enterococcus density shall be conducted at all stations where measurement of total fecal coliforms are required. In addition to the requirements of Receiving Water Limitation IV.A.1.a of this Order, if a shore station consistently exceeds a coliform objective or exceeds a geometric mean enterococcus density of 24 organisms per 100 ml for a 30-day period or 12 organisms per 100 ml for a six-month period, the Regional Board shall require the discharger to conduct or participate in a survey to determine the source of the contamination. The geometric mean shall be a moving average based on no less than five samples per month, spaced evenly over the time interval. When a sanitary survey identifies a controllable source of indicator organisms associated with a discharge of sewage, the Regional Board may require the discharger and any other responsible parties identified by the Regional Board to take action to control the source.

3. Physical Characteristics

a. Floating particulates and grease and oil shall not be visible.

- b. The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.
- c. Natural light shall not be significantly reduced at any point outside the initial dilution zone as a result of the discharge of waste.
- d. The rate of deposition of inert solids and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded.
- e. The temperature of the receiving water shall not be altered or the water quality degraded due to the temperature of the discharge of waste.

4. Chemical Characteristics

- a. The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally, as a result of the discharge of oxygen-demanding waste materials.
- b. The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.
- c. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions.
- d. The concentration of substances, set forth in Table B of the Ocean Plan, in marine sediments shall not be increased to levels which would degrade indigenous biota.
- e. The concentration of organic materials in marine sediments shall not be increased to levels that would degrade marine life.
- f. Nutrient materials shall not cause objectionable aquatic growths or degrade indigenous biota.

5. Biological Characteristics

- a. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded.
- b. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered.
- c. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health.

6. Toxic Materials

The discharge of waste through Outfall 001 shall not by itself or jointly with any other discharge, cause water quality objectives found in Table B of the Ocean Plan to be exceeded in the receiving water upon completion of initial dilution, except that limitations indicated for radioactivity shall apply directly to the undiluted waste effluent.

VI. PROVISIONS

A. Standard Provisions

The Discharger shall comply with the Federal and Regional Board Standard Provisions contained in this section. A more detailed description of the Federal Standard Provisions are included in Attachment D of this Order. In cases where the Standard Provisions contained within this section and the Standard Provisions (Attachment D) conflict, the more stringent of the two requirements apply.

- 1. **Federal Standard Provisions.** The following sections of 40 CFR are incorporated into this permit by reference:
 - a. 122.5 Effect of a permit
 - b. 122.21 Application for a permit
 - c. 122.22 Signatories to permit applications and reports
 - d. 122.41 Conditions applicable to all permits
 - e. 122.61 Transfer of permits
 - f. 122.62 Modification or revocation of permits
 - g. 122.63 Minor modifications of permits
 - h. 122.64 Termination of permits
- 2. **Regional Board Standard Provisions.** The Discharger shall comply with the following provisions:
 - a. Neither the treatment nor the discharge of waste shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.

- b. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- c. Upon application by any affected person, or on its own motion, the Regional Board may review and revise this permit.
- d. The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
- e. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided for under the CWA.

Nothing in this Order shall be construed to protect the discharger from its liabilities under federal, state, or local laws. Except as provided for in 40 CFR 122.41(m) and (n), nothing in this Order shall be construed to relieve the discharger from civil or criminal penalties for noncompliance.

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

Nothing in this Order shall be construed to preclude institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authoring preserved by Section 510 of the CWA.

- f. Any noncompliance with this permit constitutes violation of the California Water Code and/or the federal Clean Water Act and is grounds for denial of an application for permit modification.
- g. No discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.
- h. For the purposes of this permit, the term "permittee" used in parts of 40 CFR incorporated into this permit by reference and/or applicable to this permit shall have the same meaning as the term "discharger" used elsewhere in this permit.
- i. After this permit expires, the terms and conditions of this permit are automatically continued pending issuance of a new permit if all requirements of the federal NPDES regulations on the continuation of expired permits are complied with.

- j. Any application submitted by the discharger for reissuance or modification of this permit shall satisfy all applicable requirements specified in federal regulations as well as any additional requirements for submittal of a Report of Waste Discharge specified in the California Water Code and the California Code of Regulations.
- k. Except as provided for in 40 CFR 122.7, no information or documents submitted in accordance with or in application for this permit will be considered confidential, and all such information and documents shall be available for review by the public at the office of the Regional Board.
- 1. The discharger shall conduct appropriate analyses on any sample provided by EPA as part of the discharge monitoring quality assurance (DMQA) program. The results of such analyses shall be submitted to EPA's DMQA manager.
- m. The handling, transport, treatment, or disposal of waste or the discharge of waste to waters of the state in a manner, which causes or threatens to cause a condition of pollution, contamination, or nuisance, as those terms are defined in CWC 13050, is prohibited.
- n. The discharger shall comply with any interim effluent limitations as established by addendum, enforcement action or revised waste discharge requirements, which have been or may be adopted by this Regional Board.
- o. A copy of this Order shall be maintained on-site at the Culligan facility, and shall be available to operating personnel at all times.
- p. This Order shall become effective 10 days after the date of its adoption, provided the USEPA Regional Administrator has no objection. If the Regional Administrator objects to its issuance, this Order shall not become effective until such objection is withdrawn.
- q. This Order expires on February 9, 2010. However, it will continue in force and effect until superseded by a new permit or rescinded.
- r. This Order does not apply to discharges of radioactive materials regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

B. Monitoring and Reporting Program Requirements

The discharger shall comply with Monitoring and Reporting Program No. R9-2005-0007, and future revisions thereto, in Attachment E of this Order.

Monitoring data shall be submitted on the Monitoring and Reporting Form included in Section VII.C of Attachment E, Monitoring and Reporting Program.

Reports required to be submitted to this Regional Board shall be sent to:

Industrial Compliance Unit California Regional Water Quality Control Board San Diego Region 9174 Sky Park Court, Suite 100 San Diego, California 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952 or Facsimile - (858) 571-6972

C. Special Provisions

1. Re-opener Provisions

- a. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this Order;
 - ii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for modifications, revocation and reissuance, or termination of this Order, or a notification of planned change in or anticipated noncompliance with this Order does not stay any condition of this Order.

- b. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, the Regional Board may institute proceedings under these regulations to modify or revoke and reissue the Order to conform to the toxic effluent standard or prohibition.
- c. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.

- d. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new Minimum Levels (ML).
- e. This Order may be reopened and modified to revise effluent limitations as a result of future Ocean Plan amendments, or the adoption of a TMDL for the Pacific Ocean.
- f. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.
- g. This Order may be reopened and modified to revise the toxicity language once that language becomes standardized.
- h. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

Core monitoring consists of effluent monitoring, influent monitoring and receiving water monitoring. This Order does not require influent or receiving water monitoring at this time.

The discharger shall participate and coordinate with state and local agencies and other dischargers in the San Diego Region in development and implementation of a regional monitoring program as directed by the Regional Board. The intent of a regional monitoring program is to maximize the efforts of all monitoring partners using a more cost-effective monitoring design and to best utilize the pooled resources of the region. During a coordinated ocean sampling effort, the discharger's monitoring program effort may be expanded to provide a regional assessment of the impact of discharges to the receiving water.

Special studies are intended to be short-term and designed to address specific research or management issues that are not addressed by the routine core monitoring program. The discharger shall implement special studies as directed by the Regional Board.

Monitoring and Reporting Program No. R9-2005-0007 contains accelerated monitoring for pH. If the Discharger exceeds pH effluent limitations contained in section IV.A of this Order six or more times within the initial 12 week accelerated monitoring period, the Discharger shall conduct a study to determine the cause of the pH exceedances within one year of the completion of the initial 12 week accelerated pH monitoring. Two years following the completion of the initial 12 week accelerated pH monitoring, the

Discharger shall implement effective measures to comply with the pH limitations contained in section IV.A of this Order.

Monitoring and Reporting Program No. R9-2005-0007 contains accelerated effluent monitoring for total residual chlorine. If the Regional Board suspects the effluent from the Discharger may cause detrimental effects on the receiving water, additional receiving water monitoring may be required.

Accelerated monitoring results are subject to enforcement action by the Regional Board.

VII. COMPLIANCE DETERMINATION

Compliance with effluent limitations or discharge specifications shall be determined as follows:

- 1. If only one sample is collected during the time period associated with the effluent limitations (e.g., 30-day average or 6-month median), the single measurement shall be used to determine compliance with the effluent limitation for the entire time period.
- 2. All analytical data shall be reported uncensored with detection limits and quantitation limits identified. For any effluent limitation, compliance shall be determined using appropriate statistical methods to evaluate multiple samples. Sufficient sampling and analyses shall be conducted to determine compliance.
- 3. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order or Monitoring and Reporting Program No. R9-2005-0007.
- 4. Minimum Levels (MLs), as defined by the Ocean Plan (2001), represent the lowest quantifiable concentrations of a pollutant in water quality samples based on proper application of method-specific analytical procedures and the absence of matrix interferences. MLs also represent the lowest standard concentrations in the calibration curves for specific analytical techniques after the application of method specific factors. For reporting and compliance determinations for toxic pollutants (those identified in Table B of the California Ocean Plan, 2001) the discharger shall use analytical methods identified in Appendix II of the Ocean Plan, as restated in MRP R9-2005-0007. The discharger shall select an analytical procedure for each pollutant for which the analytical procedure's corresponding Minimum Level (ML) is below the applicable effluent limitation. If the effluent limitation is below all the MLs identified for the pollutant in Appendix II of the Ocean Plan, the discharger shall select the lowest ML (and corresponding analytical method).
- 5. When determining compliance based on a single sample, with a single effluent limitation which applies to a group of chemicals (e.g. PCBs) concentrations of individual members

of the group may be considered to be zero if the analytical response for individual chemicals falls below the MDL for that parameter.

- 6. The 6-month median effluent concentration limitation shall apply as a moving median of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred. The 6-month median receiving water limitation shall apply as a moving median of daily values for any 180-day period.
- 7. The average monthly discharge limitation means the highest allowable average of "daily discharges" over a running 30 day average, calculated as the sum of all "daily discharges" measured during a running 30 day period divided by the number of "daily discharges" measured during that 30 day period.
- 8. The average weekly discharge limitation means the highest allowable average of "daily discharges" over a running 7 day average, calculated as the sum of all "daily discharges" measured during any running 7 day period divided by the number of "daily discharges" measured during that seven day period.
- 9. The daily maximum effluent concentration limitation shall apply to grab samples. The daily maximum receiving water limitation shall apply to grab sample determinations.
- 10. The instantaneous maximum effluent concentration limitation shall apply to grab sample determinations. The instantaneous maximum receiving water limitation shall apply to grab sample determinations.
- 11. The mass emission rate (MER), in pounds per day, shall be obtained from the following calculation for any calendar day:

mass emission rate (lb/Day) =
$$8.34 \times Q \times C$$

in which Q and C are the flow rate in MGallons/Day and the constituent concentration in mg/L, respectively, and 8.34 is a conversion factor. If a composite sample is taken, then C is the concentration measured in the composite sample and Q is the average flow rate occurring during the period over which the samples are composited.

12. Compliance with the Chronic Toxicity effluent limitation established in the Final Effluent Limitations for Outfall 001 (section IV. A. 2 of this Order) shall be determined using critical life stage toxicity tests in accordance with procedures prescribed by the Ocean Plan (2001) and restated in MRP R9-2005-0007. Chronic Toxicity (TUc) shall be expressed as Toxic Units Chronic (TUc), where:

TUc = 100 / NOEL

where NOEL is the No Observed Effect Level and is expressed as the maximum percent of effluent that causes no observable effect on a test organism, as determined by the result of a critical life stage toxicity test listed below.

- 13. The discharger shall develop a Toxicity Reduction Evaluation (TRE) workplan in accordance with the TRE procedures established by the U.S. EPA in the following guidance manuals:
 - a. Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070)
 - b. Toxicity Identification Evaluation, Phase I (EPA/600/6-91/005F)
 - c. Methods for Aquatic Toxicity Identification Evaluations, Phase II (EPA/600/R-92/080)
 - d. Methods for Aquatic Toxicity Identification Evaluations, Phase III (EPA/600/R-92/081)

The discharger shall submit the TRE workplan to the Regional Board within 180 days of the adoption of this Order. The TRE workplan shall be subject to the approval of the Regional Board and shall be modified as directed by the Regional Board.

14. If toxicity effluent limitations identified in Discharge Specification IV.A.1 of this Order are exceeded, then within 15 days of the exceedance, the discharger shall begin conducting six additional toxicity tests over a six month (at least one sample per calendar month) period and provide the results to the Regional Board. The additional monthly toxicity tests will be incorporated into the semiannual discharge monitoring reports submitted pursuant to MRP No. R9-2005-0007.

If the additional monthly tests indicate that toxicity effluent limitations are being consistently violated (at least three exceedances out of the six tests), the Regional Board may recommend that the discharger conduct a TRE and a Toxic Identification Evaluation (TIE), as identified in the approved TRE workplan.

If the Discharger conducts the TRE/TIE, the Discharger shall, within 15 days of completion of the TRE/TIE, submit the results of the TRE/TIE, including a summary of findings, identified sources of toxicity, a list of corrective actions necessary to achieve consistent compliance with all the toxicity limitations of this Order and prevent recurrence of violations of those limitations and a time schedule for implementations of such corrective actions. The corrective actions and time schedule shall be modified at the direction of the Regional Board.

15. Dischargers shall be deemed out of compliance with an effluent limitation or discharge specification if the concentration of the constituent in the monitoring sample is greater

than the effluent limitation or discharge specification and greater than or equal to the Minimum Level (ML).

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